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The Director of Central Intelligence

Washington, D.C. 20505

Resource Management Staff

DCI/ICS 78-1198
18 October 1978

MEMORANDUM FOR: Mr. Anthony A. Lapham
General Counsel

FROM:
Acting Director, Policy Guidance Office

SUBJECT: Input to the DCI's Annual Report

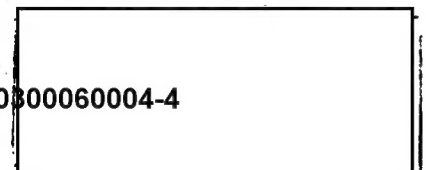
1. Preparation of the DCI's Annual Report for calendar year 1978, due to the President and the Congress by 25 January 1979, is now under way. The DCI has approved a concept for this year's Annual Report which is more selective than last year's, both because this seems more appropriate to a 1978 characterized by attention to key intelligence issues rather than the comprehensive report approach used for 1977 as a year of extensive community restructuring, and also to limit length for a busy reader to a manageable 30-40 pages (last year's ran 80 plus). The DCI has also approved an outline for this year's report (Attachment 1). Part I is designed to allow the DCI to highlight the particular characteristics and emphases of 1978 in intelligence; Part II is intended to air several issues of great importance to him, his key Executive users, and the Congress. The Annual Report will carry a high classification and receive extremely limited distribution.

2. Additionally, in a 15 September 1978 letter to the DCI on his Annual Report generally, Chairman Boland of the HPSCI listed six special topics on which the HPSCI desired additional information in the Annual Report or appended to it. (Attachment 3.) The fifth of these is: "All reports from the Attorney General to the President regarding any intelligence activities which raise questions of legality and decisions made or actions taken in response to reports from agencies within the intelligence community forwarded to the Attorney General by the Intelligence Oversight Board." Your office would seem the most appropriate focal point for staffing out this particular request with the White House, Justice and the Intelligence Oversight Board, and resolving any questions of jurisdiction and/or appropriateness that may arise in preparation of a response. We will probably want to make a general statement on this subject in the body of the Annual Report, appending a full response to the HPSCI's (only) copy of the Annual Report.

3. We would also appreciate input from your office on two sections of the Annual Report outline -- Legal and Propriety Issues and some aspects of Security and Counterintelligence Issues. Please address the following specifics, but feel free to raise other matters you feel should get attention

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in the DCI's Annual Report this year:

a. What strike you as highlights of 1978 on the legal and propriety fronts? We would like to note, and air insofar as DCI comment may be appropriate in an Annual Report, major legal issues rather than cataloguing categories and volume of legal activity.

b. Are there particular concerns and emphases of the Intelligence Oversight Board's 1978 activities that should be noted in the Annual Report?

c. Is the volume or thrust of litigation significantly enough different from 1977 to be worth mention?

d. Beyond specific cases, are there general points to be made from the legal perspective on security and counterintelligence issues involving espionage, ex-intelligence officer authors, other kinds of leaks, etc? How are we doing at coping with the perennial dilemma of legal recourse to exposure of sensitive intelligence data without further damaging disclosure of sources and methods?

e. Are more effective legal remedies to these problems under consideration? If so, should the DCI so note in his Annual Report?

25X1 4. ☐ We are asking the OLC for input on Congressional relations, including charter legislation, but you may have comment on some congressional matters as well.

25X1 5. ☐ is responsible for producing this year's DCI Annual Report. Please identify a principal point of contact for her to work with. We shall need your overview comments for the Annual Report by COB 6 November, in order to accomplish integrated drafting of the entire Annual Report in November, review in December, and DCI clearance and production in January. An early idea of the rough dimensions of the response to the HPSCI's 5th task would be helpful in order to write any appropriate highlights into the text of the Annual Report, but the full response will not be needed until January in time to append to the HPSCI's copy of the Annual Report.

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Attachments:

1. DCI Revised Outline - AR for 1978
2. DCI letter to NFIB principals requesting help on Annual Report
3. Boland letter to DCI (15 Sep w/att & DCI interim reply)

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Distribution: DCI/ICS 78-1198

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25X1 DCI/RMS/PGO (18 October 1978)

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